

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____ Amended Offense Level: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months **Amended Guideline Range:** _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
 - The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
 - Other (explain): The defendant has filed a motion for a reduction in her sentence pursuant to 18 U.S.C. § 3582 citing changes in Chapter 4 of the U.S. Sentencing Guidelines (criminal history section). The changes to Chapter 4 are detailed in Amendment 709 in the Guidelines Manual Supplement to Appendix C. Amendment 709 is not a "covered amendment" listed in USSG §1B1.10, and therefore, is not retroactive. As such, the defendant's sentence should not be reduced.

III. ADDITIONAL COMMENTS

The defendant filed a pro se motion in this case. As such, the Federal Public Defender for the Western District of North Carolina, Claire Rauscher, has been listed as the defendant's attorney.

Except as provided above, all provisions of the judgment dated 4/30/07 shall remain in effect.

IT IS SO ORDERED.

Signed: December 4, 2008

Order Date: December 4, 2008

Effective Date: _____
(if different from order date)


Lacy H. Thornburg
United States District Judge